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7
8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS PENSION
TRUST FUND, et al.,

11 Plaintiffs,

12 v.

13 MICHAEL JOSEPH FABBRI, individually and *fdba*
14 WESTVALE DRYWALL COMPANY, *aka*
15 WESTVALE DRYWALL COMPANY, INC., a
suspended California corporation,

16 Defendant.

Case No.: C09-4805 MHP

**NOTICE OF VOLUNTARY
DISMISSAL**

18 PLEASE TAKE NOTICE that pursuant to F.R.C.P. Rule 41(a)(1), Plaintiffs BAY AREA
19 PAINTERS AND TAPERS PENSION TRUST FUND, et al., voluntarily dismiss, without
20 prejudice, their claim against Defendants MICHAEL JOSEPH FABBRI, individually and *fdba*
21 WESTVALE DRYWALL COMPANY, *aka* WESTVALE DRYWALL COMPANY, INC., a
22 suspended California corporation. Defendant has neither served an answer nor moved for
23 summary judgment, and Plaintiffs have not previously filed or dismissed any similar action
24 against Defendant.

25 It is therefore requested that this action be dismissed without prejudice, and that the Court
26 shall retain jurisdiction over this matter.

1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above-
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 24th day of November, 2009, at San Francisco, California.

4
5 SALTZMAN & JOHNSON
6 LAW CORPORATION

7 By: _____/s/_____
8 Michele R. Stafford
9 Attorneys for Plaintiffs

10 IT IS SO ORDERED.

11 This case is dismissed without prejudice and the Court shall retain jurisdiction over this
12 matter.

13
14 Date: 11/30/2009



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On November 24, 2009, I served the following document(s):

NOTICE OF VOLUNTARY DISMISSAL

on the interested parties in said action by First Class U.S. Mail by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Michael Joseph Fabbri
Pam Fabbri
Westvale Drywall Company, Inc.
23906 North 24th Place
Phoenix, Arizona 85024**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 24th day of November, 2009, at San Francisco, California.

_____/s/_____
Qui X. Lu